

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MICHAEL EDWARD VOYLES

PLAINTIFF

V.

CIVIL ACTION NO. 3:13CV1031 DPJ-FKB

GEORGE ZOLEY, ET AL.

DEFENDANTS

ORDER

Plaintiff Michael Edward Voyles, an inmate at the East Mississippi Correctional Facility (EMCF), brought this action pursuant to 42 U.S.C. § 1983, alleging that prison officials denied him adequate medical care. The case is presently before the Court on Defendant Michael Reddix, M.D.'s motion for summary judgment [63] and the Report and Recommendation of Magistrate Judge F. Keith Ball [79], recommending granting that motion. Voyles filed an Objection [88], but it is conclusory and fails to address any of the substantive legal or factual issues.

Voyles was diagnosed with Hepatitis C in 2007. Compl. [1] at 4. He claims that he would benefit from radiation treatment or interferon, and Defendants have denied him access to both treatments. Dr. Reddix is co-owner of Health Assurance LLC, the entity that operates the medical department of EMCF. Voyles has not alleged any personal involvement by Dr. Reddix. Instead, he contended at his hearing, and again in a Motion [91], that another doctor referred him to Dr. Reddix for further evaluation, but that the examination never occurred. Voyles has not produced any record evidence in opposition to Dr. Reddix's Rule 56 motion suggesting Dr. Reddix had any personal involvement in his treatment.

As pointed out by Judge Ball, liability under § 1983 may not be premised on a theory of respondeat superior. *Monnell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978). Because Dr. Reddix did not directly participate in any alleged denial of constitutional rights, Voyles's claims against him are dismissed.

IT IS, THEREFORE, ORDERED that the Report and Recommendation [79] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. Dr. Reddix's motion for summary judgment [63] is granted. Plaintiff's Motion [91] is denied.

SO ORDERED AND ADJUDGED this the 17th day of July, 2015.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE